

Appl. No. : 10/795,765
Filed : March 8, 2004

REMARKS

Claims 1, 2, and 4-23 remain pending in the present Application, Claims 3 having been withdrawn without prejudice or disclaimer, and Claims 1, 12, 16, and 18-22 having been amended. Applicant expressly reserves the right to pursue this and other similar claims in continuing applications.

In response to the Office Action mailed October 6, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

The Combination of Nichols and Salecker Does Not Anticipate Claims 1, 2, and 4-23

Claims 1, 2, and 4-23 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Nichols *et al.* (U.S. Patent No. 5,749,343) ("Nichols") in view of Salecker *et al.* (U.S. Patent No. 6,073,509) ("Salecker"). Applicant respectfully traverses the present rejection. However, in order to expedite prosecution of the present Application, Applicant has amended Claims 1, 12, 16, and 19-22. Applicants expressly reserve the right to further prosecute the original versions of Claims 1, 2, and 4-23 through continuation practice.

Nichols discloses a throttle adjusted by a system including a position sensor 26 sensing the position of an accelerator pedal 24. The sensor 26 transmits a signal to a control device 44. The control device 44 controls the position of the throttle based on the signal from the sensor 26. Thus, Nichols can only adjust the position of a throttle based on electronic sensing of a position of the accelerator pedal 24. Nichols does not disclose the use of a sensor disposed remotely from the accelerator pedal 24.

Salecker discloses a potentiometer used to sense a position of a stick shifter. Salecker discloses adjusting a throttle position based on the sensor reading of the shifting of the stick shifter. Salecker, however, does not disclose a control device configured to control a throttle based upon the remote electronic sensing of a throttle lever.

By contrast, Claim 1 now recites, among other recitations, "a mechanically connecting member having a plurality of ends, one end of the connecting member coupled with the first movable member and another end of the mechanically connecting member coupled with a second movable member disposed remotely from the operative device, a signal generator configured to output a first command signal to the control device based on a position of the second movable member, the movement of the second movable member being determined by the mechanically

Appl. No. : **10/795,765**
Filed : **March 8, 2004**

connecting member, the control device controlling the actuator based upon at least one of the first command signal and a second command signal from an electronic remote device.”

Similarly, Claim 12 recites, among other recitations, “a mechanically connecting member having a plurality of ends, one end of the connecting member coupled with the first movable member and another end of the mechanically connecting member coupled with a second movable member disposed remotely from the operative device, a signal generator configured to output a first command signal to the control device based on a position of the second movable member, the movement of the second movable member being determined by the mechanically connecting member, the control device controlling the throttle valve actuator based upon at least one of the first command signal and a second command signal from an electronic remote device.”

Claims 16, 19, 20, 21, and 22 also recite similar recitations.

For example, as shown in the non-limiting embodiment of Figure 2, the throttle lever 132 is connected to a mechanical connector, which is a cable 138. The sensor which senses the movement of the lever 132 is disposed remotely from the lever 132, and is identified by the reference numeral 150. The throttle valve 102 movement is controlled by the ECU 53 based on the output of the sensor 150.

This arrangement allows a mechanical remote control device, such as the remote control device 128 to be used with an engine that uses an electronically controlled throttle valve. This is beneficial because, if a user has a watercraft with an engine having a mechanically-controlled throttle valve, and an associated mechanical remote control device, the user can switch to a more modern engine with an electronically controlled throttle valve without purchasing a new remote control device.

Alternatively, the user can also choose to purchase a new electronic remote control device with a throttle lever sensor. For example, as shown in the non-limiting embodiment of Figure 6, such a new remote control device can include a sensor 192 which can be connected directly to the ECU 53. Thus, the inventions now recited in Claims 1, 12, 16, 19, 20, 21, and 22 are more accommodating and thus can eliminate the need to purchase a new remote controller when an engine is changed.

Such a control system is not disclosed by either Nichols or Salecker. Accordingly, Claims 1, 12, 16, 19, 20, 21, and 22 are not anticipated by Nichols and Salecker, either alone or

Appl. No. : 10/795,765
Filed : March 8, 2004

in combination. Additionally, Applicant submits that Claims 2, 4-11, 13-15, 17, 18, and 23 also define over the cited references, not only because they depend from one of Claims 1, 12, 16, or 22, but also on their own merit.

Comments on Allowable Subject Matter

In the October 6, 2005 Office Action, the Examiner indicated that Claim 18 would be allowable if rewritten in an independent form, but stood objected to by the Examiner. Claim 18 has been amended into independent forms. Accordingly, the objection to Claim 18 is moot and Applicant respectfully requests the Examiner pass this claim to allowance.

CONCLUSION

The undersigned has made a good faith effort to response to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

By:

Michael A. Giuliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

Dated: 1/6/06

2268598_1
010606